

1 KEVIN V. RYAN (CSBN 118321)  
2 United States Attorney

3 MARK L. KROTOSKI (CSBN 138549)  
4 Chief, Criminal Division

5 TRACIE L. BROWN (CSBN 184339)  
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055  
8 San Francisco, CA 94102  
9 Telephone: (415) 436-6917  
10 Facsimile: (415) 436-7234

11 Attorneys for Plaintiff

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

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|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, | ) | No. 06-445 SI                     |
| Plaintiff,                | ) | [PROPOSED] ORDER AND STIPULATION  |
| v.                        | ) | CONTINUING MOTION HEARING FROM    |
| COLBY SHAWN PATTON,       | ) | SEPTEMBER 22, 2006 TO OCTOBER 20, |
| Defendant.                | ) | 2006                              |

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1. The parties appeared before the Hon. Susan Illston on July 28, 2006. On September 1, 2006, the Defendant filed a motion to suppress, and on September 6, 2006, the Defendant filed a motion to compel discovery. The hearing date on those motions is September 22, 2006 at 11:00 a.m.

2. The parties are currently discussing a negotiated disposition of this case, and need additional time to explore that possibility. In light of these negotiations, the parties hereby stipulate to continue the hearing on the motions until 11:00 a.m. on October 20, 2006, the first Friday on which both counsel for the government and counsel for the Defendant are available. Should the negotiations fail, the government will file its opposition briefs by October 13, 2006, and the Defendant will file any replies by October 17, 2006.

1       3. Furthermore, in order to facilitate these plea negotiations, the parties request that  
2 the Court order the Probation Office to provide counsel for the government and the Defendant a  
3 pre-plea analysis of the Defendant's criminal history only, by October 10, 2006.

4       4. As the Defendant's motions are still pending, time is excluded from the Speedy  
5 Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(F).

6 IT IS SO STIPULATED.

7 DATED: \_\_\_\_\_

/S/  
8 TRACIE L. BROWN  
9 Assistant United States Attorney

10 DATED: September 15, 2006

/S/  
11 JOSH COHEN  
12 Attorney for COLBY SHAWN PATTON

13 [PROPOSED] ORDER

14 Pursuant to the parties' stipulation, it is hereby ordered that:

15 1. The hearing currently scheduled for September 22, 2006 is continued to October  
16 20, 2006 at 11:00 a.m. Time is excluded from the Speedy Trial Act calculations pursuant to 18  
17 U.S.C. § 3161(h)(1)(F).

18 2. In order to facilitate plea negotiations, the U.S. Probation Office shall prepare an  
19 analysis of the Defendant's criminal history only, and provide a report on his criminal history to  
20 the parties by October 10, 2006.

21 DATED: \_\_\_\_\_

22 THE HON. SUSAN ILLSTON  
23 United States District Judge

